



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Twenty-third session**

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Item 5 of the provisional agenda

**Consideration of reports submitted by parties  
to the Convention under article 35**

**Replies of the Bolivarian Republic of Venezuela to  
the list of issues in relation to its initial report\***

[Date received: 18 December 2019]

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\* The present document is being issued without formal editing.



## A. Purpose and general obligations (arts. 1–4)

### Reply to paragraph 1 of the list of issues (CRPD/C/VEN/Q/1)

1. The Bolivarian Republic of Venezuela is currently the object of multifarious aggression by the Government of the United States of America, which is having a negative impact on the enjoyment of human rights by the Venezuelan population, particularly persons with disabilities.
2. This aggression includes the adoption of unilateral coercive measures, whose impact has been documented by the Human Rights Council, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights,<sup>1</sup> the Independent Expert on the promotion of a democratic and equitable international order<sup>2</sup> and the United Nations High Commissioner for Human Rights.<sup>3</sup>
3. These unlawful and arbitrary measures have reduced the State's ability to obtain the financial resources, goods and services necessary to cover and meet in full the primary needs of its inhabitants, including food, medicine, assistive devices for persons with disabilities and other goods necessary for economic and social development.
4. As at May 2019, the international financial system was unlawfully withholding \$5,470,030,645.29 belonging to the Bolivarian Republic of Venezuela. In addition, the Bolivarian Republic of Venezuela has been stripped of foreign assets worth more than \$30 billion.

### Reply to paragraph 2

5. The Constitution of the Bolivarian Republic of Venezuela of 1999 granted constitutional status to the protection of persons with disabilities,<sup>4</sup> adopting the term “persons with disabilities” and expressly recognizing the right of this important population group to the full and independent exercise of their capacities and to be included in the family and the community.
6. Adopted in 2007, the Act on Persons with Disabilities<sup>5</sup> expressly repealed article 410 of the Venezuelan Civil Code,<sup>6</sup> which considered persons with disabilities to be civilly unfit. Through this measure, the full legal capacity of persons with disabilities to perform all acts of daily life voluntarily was recognized.

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<sup>1</sup> Report A/HRC/42/46 of 5 July 2019, submitted at the forty-second session of the Human Rights Council, para. 6, and Section C, paras. 16–35.

<sup>2</sup> Report A/HRC/39/47/Add.1 of 3 August 2018, on his visit to the Bolivarian Republic of Venezuela, submitted at the thirty-ninth session of the Human Rights Council.

<sup>3</sup> Statement by the United Nations High Commissioner for Human Rights, Michelle Bachelet, on 21 June 2019 regarding her visit to the Bolivarian Republic of Venezuela: “I am concerned that the sanctions imposed this year by the United States on oil exports and gold trading are exacerbating and aggravating the pre-existing economic crisis”; oral update on the human rights situation in the Bolivarian Republic of Venezuela by the High Commissioner at the forty-second session of the Human Rights Council, 9 September 2019: “... on 8 August I expressed my concern regarding the potentially severe impact on human rights of the new sanctions imposed by the Government of the United States of America”.

<sup>4</sup> Article 81 of the Constitution provides that: “All persons with disabilities or special needs have the right to the full and independent exercise of their capacities and to be included in the family and the community. The State, with the mutually supportive participation of families and society, shall ensure respect for their human dignity, equal opportunities and satisfactory working conditions, and shall promote their training, education and access to employment appropriate to their condition, in accordance with the law. The right of deaf and speech-impaired persons to express themselves and to communicate through sign language is recognized.”

<sup>5</sup> Published in Official Gazette No. 351796 of 5 January 2007.

<sup>6</sup> Published in Official Gazette (special issue) No. 2990 of 26 July 1982.

7. The Prisons Code<sup>7</sup> entered into force in December 2015, repealing the Prisons Act,<sup>8</sup> which contained the terms “symptoms of mental disturbance that do not correspond to mental illness properly speaking” (art. 79) and “those who suffer from physical mutilations that involve disability” (art. 80).

8. In August 2017, the National Constituent Assembly, elected by the Venezuelan people through universal, direct and secret suffrage, was established. This body has a mandate to transform the State, create a new legal system and draft a new Constitution.<sup>9</sup>

9. The Standing Commission for Persons with Disabilities of the National Constituent Assembly is currently engaged in a broad process of discussion and consultation on a new law concerning persons with disabilities that is fully in line with the principles of the Convention on the Rights of Persons with Disabilities, known as the Constitutional Act on Persons with Disabilities.<sup>10</sup>

10. The Act on Persons with Disabilities explicitly recognizes and punishes discrimination on the basis of disability, in line with the Convention. Article 9 of the Act provides that no person may be subjected to discriminatory treatment on the grounds of disability. Any failure to abide by this provision is punishable under article 89 of the Act in question. Moreover, in Venezuela, the provisions of the Convention are immediately and directly applicable by the courts and other public bodies.<sup>11</sup>

11. The People’s Government Presidential Council for Persons with Disabilities is made up of persons with disabilities elected at people’s assemblies throughout the country. The Council has been involved in the design, implementation and monitoring of the following national public policies: (i) ensuring that persons with disabilities occupy 5 per cent of positions in public and private companies; (ii) introducing disability training programmes into the education system; (iii) guaranteeing the right of persons with disabilities to be given priority treatment by providing them with the support required to complete all necessary administrative formalities; and (iv) dramatically improving the accessibility of the physical environment, including cities and transport, to guarantee the full inclusion of persons with disabilities.

12. The National Economic and Social Development Plan, known as the National Plan 2019–2025, was adopted by the National Constituent Assembly.<sup>12</sup> The Plan was drafted in 2018 on the basis of a consultation involving all sectors of society. Persons with disabilities played an active role in the consultation process and submitted various proposals.

13. The National Plan sets out four major policies to guarantee the rights of persons with disabilities: (i) making cities accessible to ensure the full inclusion of persons with disabilities in terms of mobility, transport, education centres and the health system; (ii) involving persons with disabilities in productive activities, according to their capabilities; (iii) incorporating sign language into the education system and promoting its use in all organizational structures; and (iv) guaranteeing the full inclusion of and preventing discrimination against persons with any type of disability in the social, political and employment spheres.

<sup>7</sup> Published in Official Gazette No. 6207 (special issue) of 28 December 2015.

<sup>8</sup> Published in Official Gazette No. 36975 of 19 June 2000.

<sup>9</sup> Article 347 of the Constitution.

<sup>10</sup> The National Constituent Assembly, acting through the Standing Commission for Persons with Disabilities, set up a technical committee to oversee the process of preparing the draft constitutional act on persons with disabilities, ensuring that it was inclusive, had a biopsychosocial focus and was based on the Convention, in order to allow the Venezuelan State to guarantee the rights of this population group.

<sup>11</sup> Article 23 of the Constitution provides that: “The human rights treaties, covenants and conventions signed and ratified by Venezuela have constitutional status and take precedence in domestic law, insofar as they contain provisions on the enjoyment and exercise of such rights which are more favourable than those established by the Constitution and the laws of the Republic and are immediately and directly applicable by the courts and other public bodies.”

<sup>12</sup> Published in Official Gazette (special issue) No. 6442 of 3 April 2019.

14. In February 2016, the National Human Rights Plan 2016–2019<sup>13</sup> was adopted following a broad national consultation process in which persons with disabilities took part. The Plan sets out the five main pillars of the human rights policy of the Bolivarian Republic of Venezuela and includes among other cross-cutting principles: (i) substantive equality in law and in practice and (ii) priority care for vulnerable groups. Both principles make explicit reference to persons with disabilities.

15. The National Human Rights Plan includes specific programme-based measures to assist persons with disabilities, such as: (i) incorporating training in Venezuelan Sign Language into the education system; (ii) promoting content aimed at increasing respect for the right to equality and non-discrimination in all public and private settings, with a special focus on groups or sectors that have traditionally suffered discrimination, such as persons with disabilities; (iii) continuing to strengthen and further develop the capacity of the National Council for Persons with Disabilities and the José Gregorio Hernández Mission, with a special focus on optimizing the National Register of Persons with Disabilities; (iv) creating a mechanism to ensure that Venezuelan Sign Language and indigenous language interpreters are present in the institutions responsible for guaranteeing and protecting human rights so as to ensure that these are accessible to persons with disabilities and indigenous peoples; (v) strengthening mechanisms that guarantee the exercise of the right to work by persons with disabilities in the public and private sectors; and (vi) continuing to take steps to ensure and promote the full participation of persons with disabilities in electoral processes by introducing the necessary accessibility mechanisms.

### **Reply to paragraph 3**

16. According to the Constitution,<sup>14</sup> all persons have the right to participate freely in public affairs, either directly or through their elected representatives. In order to promote the exercise of this right, article 49 of the Act on Persons with Disabilities provides for the concept of community committees for persons with disabilities, which are organizational and participatory bodies that allow persons with disabilities to play a key role in this area. Among other activities, community committees for persons with disabilities take part in implementing public policies designed for persons with disabilities living in their local area.

17. Since 2015, the number of community committees for persons with disabilities has gradually increased, with 3,999 new committees having been registered nationwide. These organizational and participatory bodies have played an essential role in assessing the needs of persons with disabilities in each community and in delivering assistive devices, medical assistance and comprehensive and interdisciplinary approaches to care for persons with disabilities and their families.

18. In Venezuela, there are no restrictions on the establishment of organizations of persons with disabilities or on their inclusion in decision-making processes within State institutions because of their lack of political affinity with the Government.

19. The Bolivarian Republic of Venezuela fully guarantees the right of persons with disabilities to peaceful, unarmed demonstration. As part of its efforts to guarantee this right, the Ministry of People's Power for the Interior, Justice and Peace and the National Council for Persons with Disabilities have held 15 training sessions for 2,250 police officers nationwide to ensure that they are fully aware of the regulations in force and of State policy for dealing with persons with disabilities and that these persons receive dignified and respectful treatment from police bodies.

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<sup>13</sup> Published in Official Gazette No. 6217 (special issue) of 2 March 2016.

<sup>14</sup> Article 62 of the Constitution provides that: "All citizens have the right to participate freely in public affairs, either directly or through their elected representatives. The participation of the people in planning, carrying out and overseeing the management of public affairs is necessary in order for them to play the leading role that will guarantee their comprehensive development, both individual and collective. It is the obligation of the State and the duty of society to facilitate the creation of the most favourable conditions for this participation to take place".

20. In 2017, the subject of dealing with persons with disabilities was included as a core element of the good police practices competition. A handbook for dealing with persons with disabilities was also developed and standards for police conduct towards persons with disabilities were set, based on guidance received from the General Police Council. The subject of dealing with persons with disabilities was included in the Police Retraining Programme 2018/19, which is aimed at all police bodies in the country.

## **B. Specific rights (arts. 5–30)**

### **Equality and non-discrimination (art. 5)**

#### **Reply to paragraph 4**

21. The National Constituent Assembly is currently drafting a new law concerning persons with disabilities that is fully in line with the principles of the Convention. It is also working on a new constitutional text that will include a chapter on persons with disabilities and make explicit reference to non-discrimination in respect of this group.

22. Adopted in December 2014, the Act on the Promotion and Protection of the Right to Equality of Persons with HIV and their Relatives<sup>15</sup> enshrines the right to equality of persons with disabilities and expressly prohibits the refusal to provide, and the attaching of conditions to the provision of, medical care to persons with disabilities with HIV/AIDS.

23. The National Council for Persons with Disabilities receives and processes, in person, by telephone and electronically, complaints of non-compliance with the Act on Persons with Disabilities from across the country. A total of 11,442 complaints were received in 2016, 9,467 complaints were received in 2017 and 1,459 complaints were received in 2018. The decrease in the number of complaints received per year is due to the inter-institutional coordination arrangements put in place by the National Council for Persons with Disabilities, together with the Ombudsman's Office and the various institutions responsible for the administration of justice.

24. The National Council for Persons with Disabilities received a total of 3,998 complaints of discrimination against persons with disabilities between 2016 and 2018.

Table 1

#### **Complaints of discrimination against persons with disabilities by age group – National Council for Persons with Disabilities – 2016–2018**

<i>Age group</i>	<i>Complaints</i>
0 to 6 years	424
12 to 18 years	947
35 to 50 years	1 587
60 to 70 years	677
80 to 90 years	363
<b>Total</b>	<b>3 998</b>

Table 2

#### **Complaints of discrimination against persons with disabilities by sex – National Council for Persons with Disabilities – 2016–2018**

<i>Sex</i>	<i>Complaints</i>
Female	2 132
Male	1 866
<b>Total</b>	<b>3 998</b>

<sup>15</sup> Published in Official Gazette No. 40571 (special issue) of 30 December 2014.

Table 3  
**Complaints of discrimination against persons with disabilities by type of disability – National Council for Persons with Disabilities – 2016–2018**

<i>Type of disability</i>	<i>Complaints</i>
Intellectual	1 528
Auditory	1 050
Motor	750
Visual	532
Multiple	138
<b>Total</b>	<b>3 998</b>

25. The Ombudsman’s Office has received 49 complaints of discrimination against persons with disabilities over the period 2015–2019, broken down as follows:

Table 4  
**Complaints of discrimination against persons with disabilities – Ombudsman’s Office – 2015–2019**

<i>Year</i>	<i>0 to 10</i>		<i>11 to 20</i>		<i>21 to 30</i>		<i>31 to 40</i>		<i>41 to 50</i>		<i>51 to 60</i>		<i>61 to 70</i>		<i>71 and over</i>		<i>Total</i>		<i>Overall total</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
2015					3	1	2		1		3	1	1				10	2	12
2016			1		2		1	2	2	3		1	3	1	1		10	7	17
2017					2	1	2	1	1	1		1	1				6	4	10
2018			1						1	1	3	1					5	2	7
2019										1	2						2	1	3
<b>Total</b>			<b>2</b>		<b>7</b>	<b>2</b>	<b>5</b>	<b>3</b>	<b>5</b>	<b>6</b>	<b>8</b>	<b>4</b>	<b>5</b>	<b>1</b>	<b>1</b>		<b>33</b>	<b>16</b>	<b>49</b>

## Women with disabilities (art. 6)

### Reply to paragraph 5

26. The implementation of the Special Care Plan for Victims of the Economic War began in 2019 with the aim of providing special protection to the groups most affected by the unilateral coercive measures and the multifarious aggression to which Venezuela is being subjected. The Plan gives priority to various population groups, including women and girls with disabilities.

27. The Venezuelan State is working in coordination with the United Nations system in the country to implement the Humanitarian Response Plan, which was adopted in July 2019. The purpose of the Plan is to provide care to 2.6 million people in the form of access to drinking water and sanitation, food, nutrition, health care, education and protection.

28. It is the policy of the Bolivarian Republic of Venezuela to provide women, including women with disabilities, with comprehensive protection. A number of institutions have been established for this purpose, including the Ministry of People’s Power for Women and Gender Equality, the National Institute for Women, the Women’s Development Bank, as well as prosecutors’ offices and courts specializing in women’s rights.

29. The incorporation of gender and disability perspectives into State laws and policies is a constitutional obligation and is carried out under the leadership of the Ministry of People’s Power for Women and Gender Equality and the National Council for Persons with Disabilities. Organizations of women with disabilities are heard by public bodies according

to their area of competence, in keeping with the right of petition and timely response enshrined in article 51 of the Constitution.

30. The “Mamá Rosa” Gender Equality and Equity Plan (2013–2019) establishes the general framework of the national gender equality and equity policy. This is the third plan that Venezuela is conducting in the area of women’s rights. The Plan sets out long-standing, national and general objectives, as well as areas of intervention, with their related actions, which are structured around four main pillars: social; cultural; political and economic; and women’s autonomy. The Plan and its implementation prioritize and include a cross-cutting focus on vulnerable groups, such as women and girls with disabilities.

### **Reply to paragraph 6**

31. The Neighbourhood Mothers Mission<sup>16</sup> was created to support housewives in need so that they, together with their families, can overcome extreme poverty and prepare to lift themselves out of poverty in their community by joining social programmes, availing themselves of community-based care and receiving an allowance.

### **Children with disabilities (art. 7)**

#### **Reply to paragraph 7**

32. The Child and Adolescent Protection Act includes a cross-cutting focus on children with disabilities. Article 3 of the Act states that its provisions apply equally to all children and adolescents, without any discrimination on the basis of disability or other grounds.

33. Article 29 of the Act provides that all children and adolescents with special needs enjoy all the rights and guarantees enshrined in and recognized by this law, in addition to those arising from their specific condition. It also establishes the obligation for the State, the family and society to ensure the full development of their personality to their maximum potential, and their enjoyment of a full and dignified life.

34. The Venezuelan State, acting through the Autonomous Institute and National Council for Children’s and Adolescents’ Rights, has created specialized comprehensive protection units to provide protection and comprehensive specialized care to children and adolescents with disabilities. These are delivered via two routes: residential and non-residential. Eight specialized comprehensive protection units, located in the states of Distrito Capital (two), Carabobo (one), Falcón (one), Táchira (one) and Zulia (three), are currently providing protection and care via the residential route. Two specialized comprehensive protection units, located in the states of Cojedes (one) and Miranda (one), are providing protection and care via the non-residential route.

35. Article 80 of the Child and Adolescent Protection Act enshrines the right of children to express their views freely on matters concerning them and to have their opinions taken into account according to the stage of their development. Thus, children’s views are to be heard in the manner most suited to their personal circumstances and stage of development. In cases involving children with disabilities, persons who, whether because of their profession or due to a special relationship of trust, are able to convey the child or adolescent’s views objectively must be present.

36. In order to guarantee the right of children with disabilities to express their views in decision-making processes affecting them, the Supreme Court of Justice issued guidance on guaranteeing the right of children and adolescents to express their views and to be heard in proceedings before the protection courts.<sup>17</sup> This guidance includes a cross-cutting focus on children with disabilities and contains specific guidelines on hearing their views.

<sup>16</sup> The Neighbourhood Mothers Mission was created by Presidential Decree No. 4342, published in Official Gazette No. 38404 of 23 March 2006.

<sup>17</sup> Agreement of the Plenary Chamber of the Supreme Court of Justice of 25 April 2007.

## Awareness-raising (art. 8)

### Reply to paragraph 8

37. In order to promote disability awareness and a humanist approach to disability issues, the National Council for Persons with Disabilities has conducted various training programmes in coordination with the Ministry of People's Power for Public Health and the Ombudsman's Office, including: (i) a training workshop on the appropriate treatment of persons with disabilities; (ii) a diploma course on the provision of comprehensive care to persons with disabilities; (iii) a diploma course on the rights of persons with disabilities; (iv) a glossary of terms and handbooks on disability; (v) guidance on the use of social networks by persons with disabilities; and (vi) meetings with different organizations, movements, foundations, committees and associations on guaranteeing the free and comprehensive development of persons with disabilities.

Table 5

#### Persons trained in disability issues – National Council for Persons with Disabilities – 2015–2019

<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2015	446	564	1 010
2016	204	308	512
2017	1 529	2 589	4 118
2018	3 904	5 826	9 730
2019	3 277	5 390	8 667
<b>Total</b>	<b>9 360</b>	<b>14 667</b>	<b>24 037</b>

## Accessibility (art. 9)

### Reply to paragraph 9

38. Article 31 of the Act on Persons with Disabilities establishes the obligation for all public bodies, companies and individuals to comply with the standards set by the Venezuelan Commission on Industrial Standards, and with the regulations on accessibility and the mobility of persons with disabilities set by competent bodies, in all construction or remodelling works involving buildings and urban or rural environments. The penalty for failing to meet this obligation is provided for in article 86 of the Act in question.

39. In the area of telecommunications, the Telecommunications Act<sup>18</sup> responds to the need to ensure that persons with disabilities have the same access to the country's landline telephone service as other users. To this end, regulations for the protection of the rights of users of telecommunications services<sup>19</sup> were issued. These regulations require telecommunications service operators to make available terminal equipment suited to the needs of persons with different types of disabilities and a range of technologically up-to-date special terminals tailored to the service in question. This obligation is also established in article 44 of the Act on Persons with Disabilities; failure to meet it is punishable under article 87 of the same law.

40. In accordance with article 73 of the Act on Persons with Disabilities, the National Council for Persons with Disabilities is responsible for ensuring compliance with laws on accessibility for persons with disabilities and for punishing any failure to comply with or meet the obligations set out in the Act in question. To this end, it carries out inspections in public, private and mixed bodies.

<sup>18</sup> Published in Official Gazette No. 39610 of 7 February 2011.

<sup>19</sup> Published in Official Gazette No. 41533 of 27 November 2018.

41. The National Council for Persons with Disabilities has also held guidance sessions in passenger terminals and public and private bodies throughout the country to promote the inclusion of and greater access for persons with disabilities, which has led to the introduction of ramps and signs, the adaptation of lifts, bathrooms, doors and stairs, and the provision of preferential treatment to persons with disabilities.

42. Over the period 2015–2019, the National Council for Persons with Disabilities inspected 1,700 companies and carried out 1,200 consultations.

43. The National Accessible Communication Service is a programme designed to provide persons who are hard of hearing, deaf persons and deafblind persons access to information and means of communication through mechanisms that are tailored to their various disabilities, such as Venezuelan Sign Language, Braille and audiovisual aids.

44. Through this programme, interpretation services have been provided to persons who are hard of hearing, deaf persons and any public and private institutions that request them. Similarly, courses and workshops on Venezuelan Sign Language have been held and a diploma course in Venezuelan Sign Language is now offered at the National School of Human Rights, which is attached to the Ombudsman’s Office.

45. Over the period 2017–2019, the National Accessible Communication Service has trained 5,361 people in Venezuelan Sign Language.

Table 6

**Persons trained in Venezuelan Sign Language – National Accessible Communication Service – 2017–2019**

<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2017	1 888	700	2 588
2018	634	1 413	2 047
2019	191	535	726
<b>Total</b>	<b>2 713</b>	<b>2 648</b>	<b>5 361</b>

## **Right to life (art. 10)**

### **Reply to paragraph 10**

46. The Venezuelan State has introduced the “Humanized Childbirth Plan” to strengthen community-based care for women during pregnancy, childbirth and post-partum. The National Constituent Assembly also adopted the Constituent Decree for the Promotion and Protection of Childbirth and Humanized Birth.<sup>20</sup>

47. The Constituent Decree enshrines the right of women with disabilities to be treated equally during pregnancy, labour, delivery, birth and post-partum.<sup>21</sup>

48. In the Bolivarian Republic of Venezuela, hospitals and maternity departments have neonatal wards or services to provide hospital care to newborns who are born with health complications or disabilities.

49. Venezuela has strengthened its cooperation with the Pan American Health Organization, the World Health Organization and the United Nations Children’s Fund in order to respond to the negative impact that the unilateral coercive measures have had on

<sup>20</sup> Published in Official Gazette No. 41376 of 12 April 2018.

<sup>21</sup> Article 7 provides that: “During pregnancy, labour, delivery, birth and post-partum, mothers, fathers and families are entitled to equal treatment and freedom from discrimination based on national, ethnic or social origin, phenotypic traits, culture, religion, age, language, age group, disability, health status, sexual orientation, gender identity or expression, political opinion or any other personal, legal or social circumstance which has the effect of nullifying or impairing, directly or indirectly, the equal recognition, enjoyment or exercise of human rights”.

policies to reduce maternal and infant mortality and to prevent disease. As a result of the unilateral coercive measures imposed by the Government of the United States of America, medicines and supplies that cannot be acquired directly by the Bolivarian Republic of Venezuela are imported by means of international cooperation mechanisms.

## **Situations of risk and humanitarian emergencies (art. 11)**

### **Reply to paragraph 11**

50. The Bolivarian Republic of Venezuela is not facing a “humanitarian crisis” according to international law, as has been recognized by the Independent Expert on the promotion of a democratic and equitable international order.<sup>22</sup> Rather, Venezuela is suffering the economic and social effects of the multifarious aggression led by the Government of the United States of America, which includes the application of unilateral coercive measures.<sup>23</sup> As recognized by international doctrine,<sup>24</sup> the application of this type of measure always has a negative impact on the human rights of the inhabitants of the country in question, particularly on the most vulnerable population groups, including persons with disabilities.

51. The Bolivarian Republic of Venezuela has resorted to the United Nations system to denounce and to put an end to the causes of the economic and social damage that the country is sustaining. The country is also examining the legal remedies available to it in order to take action against this patent violation of international law, which is having a negative impact on the enjoyment of human rights.

52. In order to address the impact of this economic aggression on persons with disabilities, Venezuela is implementing the Special Care Plan for Victims of the Economic War and is working in coordination with the United Nations system in the country to implement the Humanitarian Response Plan.

53. The National Organization for Civil Protection and Disaster Administration of the Ministry of People’s Power for the Interior, Justice and Peace has implemented a strategy for training all actors in the security sector and the community in general on how to care for persons with disabilities in emergency and disaster situations; the strategy likewise promotes the participation of persons with disabilities in all related processes.

54. The National Organization for Civil Protection and Disaster Administration has a protocol for caring for persons with disabilities in emergency and disaster situations, which is to be implemented in any place where persons with disabilities are threatened, vulnerable or at risk.

55. Likewise, specialized material on the subject of risks and emergencies has been developed specifically for persons with disabilities and information on this issue has been disseminated through the media.

<sup>22</sup> Report A/HRC/39/47/Add.1 of 3 August 2018, on his visit to the Bolivarian Republic of Venezuela, submitted at the thirty-ninth session of the Human Rights Council.

<sup>23</sup> Statements by the United Nations Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, 11 August 2017 and 31 January 2019, “Venezuela sanctions would worsen plight of suffering people, United Nations expert warns”, “Venezuela sanctions harm human rights of innocent people, United Nations expert warns”.

<sup>24</sup> Human Rights Council resolution 40/3, para. 7: “Also expresses its grave concern that, in some countries, the socioeconomic conditions of family members, particularly women and children, are adversely affected by unilateral coercive measures, imposed and maintained contrary to international law and the Charter, that create obstacles to trade relations among States, restrict movement through various means of transport, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities”.

## Equal recognition before the law (art. 12)

### Reply to paragraph 12

56. The Act on Persons with Disabilities expressly repealed article 410 of the Venezuelan Civil Code, which considered persons with disabilities to be civilly unfit. The Act also repealed any legal provisions that were in conflict with its own.

57. The National Constituent Assembly is currently drafting a new law concerning persons with disabilities that is fully in line with the Convention.

## Access to justice (art. 13)

### Reply to paragraph 13

58. The Constitution guarantees all persons equal access to justice. To this end, the Supreme Court of Justice has taken steps to ensure that persons with disabilities have effective access to justice.

59. The mobile courts programme makes it possible to bring justice to every corner of the country, particularly remote areas, and prioritizes persons with disabilities. Multidisciplinary teams travel to remote areas to provide justice services to the population.

60. In accordance with the Act on Persons with Disabilities, the Supreme Court of Justice has included experts in Venezuelan Sign Language in trials and other judicial hearings. Protocols to guarantee the rights of persons with disabilities have been introduced into courts specializing in protection and gender-based violence. Moreover, spaces in courts and judicial headquarters have been adapted to allow persons with disabilities to appear before them via videoconference or through the use of a Gesell chamber.

61. The Supreme Court of Justice issued guidelines on hearing the testimony of children and adolescents in legal proceedings before the protection courts.<sup>25</sup> These guidelines include a cross-cutting focus on children with disabilities and specifically address the matter of ensuring proper respect for their rights.

62. Over the period 2015–2019, the National School of the Judiciary trained 2,563 judges and 3,880 judicial officials in human rights, including the rights of persons with disabilities.

Table 7

#### Judicial officials trained in human rights – National School of the Judiciary – 2015–2019

<i>Year</i>	<i>Judges</i>	<i>Staff</i>	<i>Total</i>
2015	632	649	1 281
2016	589	114	703
2017	725	1 739	2 464
2018	446	990	1 436
2019	171	388	559
<b>Total</b>	<b>2 563</b>	<b>3 880</b>	<b>6 443</b>

63. The National Council for Persons with Disabilities provides support in the form of Venezuelan Sign Language interpreters to those persons with disabilities who require it when appearing before any judicial body. Over time, work has been done to make judicial headquarters even more accessible to persons with disabilities.

<sup>25</sup> Agreement of the Plenary Chamber of the Supreme Court of Justice of 3 April 2013.

64. The Ministry of People's Power for Prison Administration keeps a detailed register of all persons with disabilities who are deprived of their liberty in prisons. It also holds workshops for prison officials to raise their awareness of the rights of persons with disabilities.

65. The Ministry of People's Power for Prison Administration provides assistive devices and support products to persons with disabilities who require them in order to move around in prisons. Prisons have medical staff trained in the care of persons with disabilities.

### **Liberty and security of the person (art. 14)**

66. The adoption of a new Criminal Code and the updating of laws on mental health and the family remain a human rights challenge for the Bolivarian Republic of Venezuela. The drafting of these laws was included as a programme-based action in the National Human Rights Plan and was to be completed over the period 2016–2019. However, this objective could not be achieved owing to the National Assembly's contempt and disregard for the Constitution.

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

#### **Reply to paragraph 15**

67. In Venezuela, no serious human rights violations are occurring. The politically motivated referral made by a group of countries to the International Criminal Court is not a serious basis on which to conduct an objective analysis of the situation in the Bolivarian Republic of Venezuela. The Committee is prejudging this matter without having previously requested information from the State.

68. Article 9 of the Act on Persons with Disabilities guarantees proper treatment and family protection for persons with disabilities during their stay in health centres. Domestic law protects persons with disabilities against torture, cruel, inhuman or degrading treatment or punishment, and against inappropriate, involuntary or excessive treatment and non-consensual medical practices.

69. The Special Act to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment<sup>26</sup> includes a series of measures to protect and monitor, prevent, rehabilitate and remedy harm that covers all victims of torture or other cruel, inhuman or degrading treatment, including persons with disabilities.

70. The Ombudsman's Office and the National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment organize workshops, talks and forums on torture prevention for members of the Armed Forces of the Bolivarian Republic of Venezuela and officials of the prison and national health systems. They also conduct periodic unannounced visits to various places of deprivation of liberty, including mental health hospitals.

71. Judicial institutions and councils for the protection of children and adolescents mainstream the concerns of women and children with disabilities in their activities and have staff trained to care for them.

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<sup>26</sup> Published in Official Gazette No. 40212 of 22 July 2013.

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## **Freedom from exploitation, violence and abuse (art. 16) and protecting the integrity of the person (art. 17)**

### **Reply to paragraph 16**

72. In the Bolivarian Republic of Venezuela, violence against and the ill-treatment of persons with disabilities is constitutionally and legally prohibited. In August 2019, the National Council for Persons with Disabilities signed an agreement with the Scientific, Criminal and Forensic Investigation Unit to create a special unit for victims with disabilities.

73. Article 15 of the Act on Women's Right to a Life Free from Violence classifies forced sterilization as a form of violence against women. Article 52 of the Act punishes the practice of forced sterilization with a prison term of 2 to 5 years.

74. The Ministry of People's Power for Public Health has developed and published, with the support of United Nations agencies, care protocols for sterilization, hospitalization and medical and pharmacological treatment that guarantee the right to free and informed consent of persons with disabilities, including in respect of mental health and sexual and reproductive health services.

### **Reply to paragraph 17**

75. The National Council for Persons with Disabilities has 24 state coordinating bodies that monitor compliance with the Act on Persons with Disabilities and respect for the rights of this group. These bodies receive complaints from persons with disabilities and conduct training programmes on their rights in the different institutions located within their jurisdiction.

### **Reply to paragraph 18**

76. The Act on Women's Right to a Life Free from Violence includes a cross-cutting focus on women and girls with disabilities, specifically guarantees the exercise of the rights of women with disabilities who are victims of violence and establishes as an aggravating circumstance in crimes the commission of an act of violence against a woman with a disability.

77. The staff of the bodies receiving complaints of violence against women, and the courts and prosecutors' offices specializing in this area, receive ongoing training on the rights of persons with disabilities.

## **Liberty of movement and nationality (art. 18)**

### **Reply to paragraph 19**

78. In the Bolivarian Republic of Venezuela, State institutions have a duty to create adequate and effective mechanisms to ensure that information, administrative formalities and other services that they provide to persons with disabilities, including procedures related to obtaining identity documents, are fully accessible and that these persons receive preferential treatment.

## **Living independently and being included in the community (art. 19)**

### **Reply to paragraph 20**

79. Since the beginning of 2019, the Ministry of People's Power for Public Health, acting through the Directorate for Mental Health and the Prevention of Accidents and other

Violent Acts, has been implementing the project known as “Humanizing Mental Health Care for a Healthy Life” with the aim of strengthening the human rights approach underpinning public policy in this area.

80. The Act on Persons with Disabilities provides that these persons must be cared for in a family setting. Should it become necessary to place persons with disabilities in institutional care, this can only be done after their situation has been reviewed, in accordance with the law.

81. Between 2015 and 2018, the number of community committees for persons with disabilities has gradually increased throughout the country. During this period, 3,999 new community committees were registered. The community committees have helped to deliver assistive devices, identify the care needs of persons with disabilities and dispense training on the rights of persons with disabilities to members of the community.

### **Reply to paragraph 21**

82. The Ministry of People’s Power for Housing and Habitat has implemented a national policy aimed at ensuring that, in future urban developments, housing and habitats are made accessible to persons with disabilities, thereby guaranteeing them a good quality of life and personal autonomy.

83. The Ministry of People’s Power for Housing and Habitat has identified and promoted the following priorities in relation to persons with disabilities: (i) the provision of care to persons with disabilities through access and financing mechanisms under the housing policy of the Great Venezuelan Housing Mission; (ii) accessibility of urban developments, refurbishment of buildings and housing through the programme of voluntary day-long sessions for adapting habitats to make them barrier-free; (iii) risk considerations in urban developments; and (iv) the socio-productive inclusion of persons with disabilities in the urban developments of the Great Venezuelan Housing Mission.

### **Reply to paragraph 22**

84. Pursuant to the national policy for guaranteeing the rights of persons with disabilities, the State bodies responsible for the administration of residential institutions keep a register of the persons with disabilities housed in this type of establishment.

### **Personal mobility (art. 20)**

#### **Reply to paragraph 23**

85. In 2017, the José Gregorio Hernández Mission Foundation opened two new orthotics and prosthetics laboratories in the states of Sucre and Vargas. It also merged two laboratories located in the state of Lara. At present, the José Gregorio Hernández Mission Foundation has 12 operational laboratories located throughout the country. The Ministry of People’s Power for Public Health has seven orthotics and prosthetics laboratories nationwide.

86. The services provided in the orthotics and prosthetics laboratories for persons with disabilities are completely free of charge. From 2015 to October 2019, 26,598 people in need of orthoses or prostheses have been attended to in the laboratories of the José Gregorio Hernández Mission Foundation, which manufacture and repair free orthopaedic devices. Moreover, 7,954 devices have been manufactured for persons with neuromusculoskeletal disabilities, benefiting a total of 6,724 persons with disabilities.

87. The process of acquiring prosthetic supplies and kits for manufacturing and repairing orthoses and prostheses has been hampered by the imposition of unilateral coercive measures against Venezuela, which has made it difficult to acquire them in the international market and, subsequently, to import them into the country.

## **Freedom of expression and opinion, and access to information (art. 21)**

### **Reply to paragraph 24**

88. Over the period 2017–2019, 5,361 people were trained in Venezuelan Sign Language through the National Accessible Communication Service. The National Plan 2019–2025 includes as one of its goals the introduction of Venezuelan Sign Language teaching in all educational institutions.

89. On 2 October 2019, the Bolivarian Republic of Venezuela acceded to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which will allow significant progress to be made in terms of accessibility and the full and effective inclusion of persons with disabilities.

90. The Venezuelan printing house for Braille, known as “Simón Bolívar”, has continued to operate, as has the Service for Persons with a Visual Impairment, which is attached to the Autonomous Institute of the National Library and Library Services. The Infocentro Foundation has rooms that are adapted for use by persons with a visual impairment; these are equipped with computers with screen readers, closed circuit magnification devices to make it easier for persons with poor eyesight to read, Braille printers and smart reading machines, which digitize texts printed in ink and convert them into a digital format and into audio.

91. The Act on Social Responsibility in Radio, Television and Electronic Media makes compulsory the use of subtitles, translation into Venezuelan Sign Language and other measures necessary to guarantee the inclusion of persons who are hard of hearing, especially in cultural, educational and information programmes. This obligation is regulated by Administrative Instruction No. 866, which lays down technical standards for the inclusion of persons who are hard of hearing so that they can receive content broadcast by free-to-air television service providers.<sup>27</sup> Failure to comply with this obligation is punishable by cession of airtime for the broadcasting of educational messages, in accordance with article 28 (1) (a) of the aforementioned Act.

## **Respect for home and the family (art. 23)**

### **Reply to paragraph 25**

92. In the Bolivarian Republic of Venezuela, the right of persons with disabilities who are of marriageable age to wed and to found a family based on free consent and full exercise of their rights is recognized. Article 104 of the Civil Registry Act<sup>28</sup> provides that the spousal consent of persons with a hearing or visual impairment is to be recorded in writing or through Venezuelan Sign Language.

93. The Family Orientation Programme offers guidance and comprehensive care to persons with disabilities and their relatives. Individual and group counselling sessions addressing issues that arise in the fields of, inter alia, psychology and pedagogy, social work and occupational therapy can also be arranged. The Programme is overseen by an interdisciplinary team that intervenes with the assistance of experts in the fields in question. Action plans are being implemented to strengthen family and interpersonal relations, improve communication systems and address romantic relationships, marriage and the right to sexual and reproductive health, among other matters. A total of 17,740 persons with disabilities have benefited from this programme.

<sup>27</sup> Administrative Instruction of the National Telecommunications Committee of 1 September 2006.

<sup>28</sup> Published in Official Gazette No. 39264 of 15 September 2009.

Table 8

**Persons with disabilities who have benefited from the Family Orientation Programme – National Council for Persons with Disabilities – 2015–2019**

<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2015	1 494	2 659	4 153
2016	1 263	2 053	3 316
2017	1 242	1 845	3 087
2018	1 660	3 008	4 668
2019	921	1 595	2 516
<b>Total</b>	<b>6 580</b>	<b>11 160</b>	<b>17 740</b>

### **Education (art. 24)**

#### **Reply to paragraph 26**

94. The National Consultation on the Quality of Education has made a significant contribution to educational inclusion. Over the period 2016–2018, 171,398 new enrolments were recorded in both special education and other schools.

95. In August 2017, regulations setting out the core elements of the approach to and policy for the comprehensive educational care of persons with special learning needs and/or disabilities<sup>29</sup> were issued with the aim of improving the educational provision for persons with disabilities.

96. Over the period 2016–2018, a total of 5,385 people were hired as teachers and technical administrative staff, which is vital for ensuring the provision of comprehensive educational care in special education schools and departments.

97. In May 2018, the first Advanced Special Education Training Programme for teachers in special education departments, teachers of early childhood education and primary and secondary school teachers was launched. In the first quarter of 2020, the first 2,693 participants in the Programme will graduate.

98. Since its creation until September 2019, a total of 315,590 persons with disabilities have achieved literacy and post-literacy through the Robinson Mission. Fifty-six per cent of these persons with disabilities are women.

#### **Reply to paragraph 27**

99. A total of 361 persons with disabilities are studying at the National Experimental University of the Armed Forces of the Bolivarian Republic of Venezuela as part of its programme for the comprehensive care of students with disabilities. Of these students, 119 have a visual impairment, 97 have a motor disability, 63 have a cognitive disability, 47 are hard of hearing and 35 have multiple disabilities.

### **Health (art. 25)**

#### **Reply to paragraph 28**

100. The Bolivarian Republic of Venezuela has placed special emphasis on increasing the number of staff available to ensure the proper functioning of the national health system. Between 2015 and 2019, the Ministry of People's Power for Public Health has recorded the

<sup>29</sup> Published in Official Gazette No. 41221 of 24 August 2017.

arrival of 128,324 new professional recruits in various fields, including 30,841 nursing graduates and 21,968 surgeons.

101. Over the period 2011–2019, 29,057 community doctors have graduated from the University of Health Sciences, all of whom have been trained according to the principles of primary health care and are equipped to care for persons with disabilities.

102. In 2018, Venezuela achieved 100 per cent coverage in its primary health-care network through its community health districts, which are considered to be an essential part of the national public health system. In 2018, 127,168,253 medical consultations were carried out in primary care facilities, outpatient clinics and hospitals. In addition, 442,235 operations were performed and 13,686,719 persons were vaccinated nationwide.

103. Persons with disabilities are guaranteed free or affordable access to specific national health services and programmes and free or affordable access to health-related goods and to habilitation and rehabilitation services, including identification and early intervention services.

104. A national network of health-care establishments, encompassing hospitals, and a community-based network, ensure that persons with disabilities receive care, including specialized rehabilitation and habilitation services. These networks conduct specific programmes to promote human functioning according to type of disability. These programmes also offer complementary care based on the needs of the persons with disabilities in question.

105. In Venezuela, there are more than 700 community rehabilitation centres and 48 medical and rehabilitation services in hospitals. These are staffed by multidisciplinary teams composed of doctors, occupational therapists, physiotherapists, nurses and other professionals from various fields, all of whom ensure that persons with disabilities receive adequate care.

106. All the services and forms of care offered by these facilities are totally free and accessible. In each state, there are at least two rehabilitation centres per community health district.

## **Work and employment (art. 27)**

### **Reply to paragraph 29**

107. In 2018, 38,015 persons with disabilities were recorded as gainfully employed, which accounts for 21.33 per cent of all persons with disabilities in the labour market – that is, the 178,158 persons with disabilities within the productive age range of 19 to 64 years.

108. The Ministry of People's Power for the Social Process of Labour monitors compliance with the regulations governing the hiring of persons with disabilities, in accordance with the grounds and procedures set out in the Labour and Workers Act.

109. Between January and October 2019, 16,262 workplaces were inspected, 143 of which were found to be in breach of the obligation set out in article 290 of the Labour and Workers Act. These inspections gave rise to 31 sets of administrative disciplinary proceedings.

110. Over the period 2015–2019, the National Council for Persons with Disabilities has imposed a total of 100 fines for non-compliance with the obligation set out in article 28 of the Act on Persons with Disabilities.

Table 9

**Fines imposed for non-compliance with article 28 of the Act on Persons with Disabilities – National Council for Persons with Disabilities – 2015–2019**

<i>Year</i>	<i>Fines</i>
2015	27
2016	35
2017	17
2018	16
2019	5
<b>Total</b>	<b>100</b>

**Adequate standard of living and social protection (art. 28)****Reply to paragraph 30**

111. The percentage of the population classed as poor, measured according to unsatisfied basic needs, decreased over the period 2015–2018, falling from 19.7 per cent in 2015 to 18.3 per cent in 2016, to 18.1 per cent in 2017 and to 17.3 per cent in 2018. The percentage of the population living in extreme poverty fell from 4.9 per cent in 2015 to 4.4 per cent in 2016, remained steady at 4.4 per cent in 2017 and dropped to 4.3 per cent in 2018.

112. As a result of the policy for equality in national income distribution, the Gini inequality index fell from 0.381 in 2015 to 0.377 in 2018.

113. In 2016, the “Card for the Nation” system was introduced as a means of increasing the coverage and efficiency of social programmes for the general population, including persons with disabilities. More than 18 million people, or approximately 80 per cent of the country’s adult population, are currently registered in this system.

114. Under the “Card for the Nation” system, monthly allowances are paid to the households that are most in need and monthly cash transfers are made to pregnant or breastfeeding women and persons with disabilities. Extraordinary allowances are also paid in the form of grants. In 2019, a total of 1,794,088 persons with disabilities will receive the José Gregorio Hernández monthly allowance under the “Card for the Nation” system.

115. The Venezuelan State is undertaking various initiatives to guarantee the right to food, in which priority is given to persons with disabilities: (i) local food and production committees; (ii) canteens; (iii) a school meals programme; (iv) an animal protein and sovereign field fairs programme; (v) a nutritional vulnerability action plan; (vi) soup kitchens; (vii) a food programme for persons under State guardianship; and (viii) a food programme for indigenous peoples.

116. Through its local food and production committees, the State distributes every 21 days on average subsidized food products to a total of 6 million families, which account for 80 per cent of the country’s households. Special consideration is given to persons with disabilities in determining the beneficiaries of the initiative. This social protection programme has been the object of unilateral coercive measures imposed by the Government of the United States of America.

117. The school meals programme provides free food to 5,357,380 children and adolescents enrolled in 23,439 schools across the country. In the canteens mentioned above, more than 6,000 socially vulnerable persons, including persons with disabilities, can eat for free.

118. Under the food programme for persons under State guardianship, food is distributed to prisons, health centres, residential centres for older persons and shelters for pregnant women, children and adolescents. The food programme for indigenous peoples provides

food to more than 30,000 persons belonging to 24 indigenous peoples living in 338 indigenous communities.

119. It is the policy of the Bolivarian Republic of Venezuela to subsidize all public services, including drinking water, electricity, gas, landline telephone services, mobile telephone services, Internet and satellite television.

120. As a result of the drop in oil prices, the country's oil export revenues fell from \$42.69 billion in 2013 to \$38.109 billion in 2014, to \$10.634 billion in 2015, to \$4.65 billion in 2016, to \$5.198 billion in 2017 and to \$4.088 billion in 2018.

121. Venezuela has managed to continue funding its social protection programmes for the general population and persons with disabilities by prioritizing investment in this area, even though its income has been falling since 2014. Seventy-five per cent of the national budget is allocated to social investment.

122. The Ministry of People's Power for Housing and Habitat, through the Great Venezuelan Housing Mission, has created mechanisms for dealing with requests for housing and for funding to improve and adapt housing for use by persons with disabilities.

123. As at October 2019, 11,045 housing units have been provided to families with at least one person with a disability. Likewise, 4,587 families with at least one person with a disability have received assistance through the programme of day-long sessions for adapting spaces and areas in urban developments, which serves as a guarantee that the housing units in question are accessible and comply with the relevant standards for barrier-free infrastructure.

124. The Ministry of People's Power for Housing and Habitat provides financial support to the 26,412 persons with disabilities assigned to the housing units being built by the Great Venezuelan Housing Mission.

125. The funding programme of the National Bank for Habitat and Housing enables the State to subsidize the acquisition, adaptation and remodelling of housing units through the granting of loans with a maximum repayment term of 30 years and an interest rate of 1.4 per cent.

126. The José Gregorio Hernández Great Mission provided 42,765 assistive devices to persons with disabilities free of charge. It also plays an essential role by visiting every community in the country to assess the needs of persons with disabilities and by implementing the corresponding institutional response. The José Gregorio Hernández Great Mission has visited 388,972 persons with disabilities in their homes.

127. The Greater Love Venezuela Mission is a social programme for older persons who have not been able to make the contributions required by law to the Venezuelan Social Security Institute. It grants them access to an old-age pension that is aligned with the national minimum wage. More than 2,014,812 adults and older persons have joined the pension scheme through the Greater Love Venezuela Mission.

128. In order to prevent children and adults with disabilities from becoming destitute, the National Council for Persons with Disabilities is taking the following measures: (i) involving families in the Family Orientation Programme through the services provided by the relevant interdisciplinary team and the follow-up provided by support groups; (ii) providing biopsychosocial care to the person and his or her relatives; (iii) ensuring that there is a comprehensive care cycle in place for parents and for the child or older person as direct recipients; (iv) making contact with specialized agencies so as to ensure the legal protection of rights; (v) signing these persons up to the social protection system in keeping with the institution's regulations, as appropriate; (vi) providing education and training to foster entrepreneurship activities or social production projects that will enable families to join the labour market or to engage in income-generating social production activities as a source of livelihood.

## Participation in political and public life (art. 29)

### Reply to paragraph 31

129. In Venezuela, the National Electoral Council conducts ongoing information campaigns for persons with disabilities on the right to vote and makes use of Venezuelan Sign Language interpretation and other alternative modes of communication in this connection. The country has an automated voting system equipped with technology capable of configuring devices for users of Braille to make it easier for persons with a visual impairment to vote, and with hearing aids to support the exercise of the right to vote by persons who are hard of hearing.

130. The National Electoral Council is currently in the process of updating the electoral register to identify more voters with disabilities so as to ensure that polling stations are accessible to them and that they can exercise their right to vote.

131. Venezuelan electoral processes include an “accompanied voting” system whereby persons with disabilities can be accompanied by trusted persons who will support them in casting their vote and interpret for them before polling station staff. In these cases, it is up to the voter to determine to what extent the trusted person should accompany him or her during this process so as to guarantee the secrecy of their ballot.

132. The National Electoral Council prepared instructions for dealing with and supporting persons with disabilities during electoral processes, whose content has been summarized in a poster entitled “Steps to be followed in dealing with persons with disabilities”. This poster must be displayed in every polling station.

133. There are no restrictions on the right of persons with psychosocial or intellectual disabilities or deaf persons to vote. The automated electoral register system of the National Electoral Council offers persons with disabilities the possibility of including information on their type of disability when they register to vote.

Table 10

#### Persons with disabilities on the electoral register – National Electoral Council – April 2019

<i>State</i>	<i>Voters</i>	<i>Per cent</i>
Aragua	2 078	12.18
Zulia	1 929	11.31
Táchira	1 928	11.30
Dto. Capital	1 606	9.41
Lara	1 322	7.75
Miranda	1 199	7.03
Portuguesa	964	5.65
Barinas	930	5.45
Yaracuy	776	4.55
Bolívar	744	4.36
Sucre	515	3.02
Mérida	467	2.74
Monagas	429	2.51
Falcón	360	2.11
Nva. Esparta	298	1.75
Trujillo	288	1.69
Guárico	237	1.69
Vargas	199	1.17
Carabobo	174	1.02

<i>State</i>	<i>Voters</i>	<i>Per cent</i>
Anzoátegui	172	1.01
Cojedes	157	0.92
Apure	143	0.84
Amazonas	97	0.57
Delta Amacuro	45	0.26
Embajadas	3	9.02
<b>Total</b>	<b>17 060</b>	<b>100</b>

134. Venezuelan law does not prevent persons with disabilities from running for elected office. A total of 77 persons with disabilities ran for election to the National Constituent Assembly in 2017.

135. At the national level, five persons with disabilities were elected to the National Constituent Assembly by direct and secret ballot. At the municipal level, 17 persons with disabilities serve as councillors, which is an elected position: 3 in the state of Guárico, 2 in the state of Lara, 2 in Mérida, 3 in Falcón and 7 in the state of Cojedes.

136. The Act on Persons with Disabilities promotes the establishment of organizations for this population group, bearing in mind how important it is for persons with disabilities to be involved and included in all policies and decisions that concern them. In order to facilitate this process, article 48 the Act on Persons with Disabilities provides that the procedure for registering the charter, statutes and minutes of the general meetings of organizations for persons with disabilities is to be cost-free.

## Statistics and data collection (art. 31)

### Reply to paragraph 32

137. Over the period 2015–2019, the National Council for Persons with Disabilities made use of a tool to gather information on and certify new persons with disabilities, namely, the technology-based system known as the “CONAPDIS System”. This system has made it possible to certify 281,752 new persons with disabilities.

Table 11

#### Persons with disabilities certified over the period 2015–2019 – Age group – National Council for Persons with Disabilities

<i>Age group</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
0 to 12 years	9 381	15 928	25 309
13 to 18 years	6 443	10 538	16 981
19 to 24 years	7 049	10 122	17 171
25 to 64 years	72 220	88 767	160 987
65 years and over	31 402	29 902	61 304
<b>Total</b>	<b>126 495</b>	<b>155 257</b>	<b>281 752</b>

Table 12

#### Persons with disabilities certified over the period 2015–2019 – Type of disability – National Council for Persons with Disabilities

<i>Type of disability</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
Auditory	4 716	4 643	9 359
Cardiovascular	947	1 093	2 040

<i>Type of disability</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
Genitourinary	1 916	2 771	4 687
Mental intellectual	2 509	3 530	6 039
Mental psychosocial	1 497	2 461	3 958
Metabolic	115	103	218
Multiple	63 562	80 479	144 041
Musculoskeletal	37 968	40 970	78 938
Neurological	2 154	2 311	4 465
Respiratory	515	503	1 018
Sensory	146	112	258
Visual	10 174	15 791	25 965
Speech and language	276	490	766
<b>Total</b>	<b>126 495</b>	<b>155 257</b>	<b>281 752</b>

138. From 2008 to 2019, a total of 424,141 certified persons with disabilities were registered. A new national population and housing census was launched in 2019 and is set to conclude in 2020.

### **International cooperation (art. 32)**

#### **Reply to paragraph 33**

139. The project to build the Humanist Centre for Persons with Disabilities, which is located in the municipality of San Francisco in the state of Zulia, is 70 per cent complete. The project to build the Trujillo Centre for the Comprehensive Care of Children, Adolescents and Adults with Autism, which is located in the municipality of Valera in the state of Trujillo, is 61.23 per cent complete. Both projects have been carried out using the State's own resources. The proposal to set up a company to manufacture assistive devices under the auspices of the Southern Common Market did not come to fruition.

### **National implementation and monitoring (art. 33)**

#### **Reply to paragraph 34**

140. The Bolivarian Republic of Venezuela has established a solid constitutional framework for its international relations and recognizes the validity of all the international treaties that it has signed and ratified. Article 23 of the Constitution provides that the human rights treaties, covenants and conventions signed and ratified by Venezuela have constitutional status and take precedence in domestic law, insofar as they contain provisions on the enjoyment and exercise of such rights which are more favourable than those established by the Constitution and the laws of the Republic and are immediately and directly applicable by the courts and other public bodies.

141. In Venezuela, the Office of the Ombudsman, in its capacity as the country's national human rights institution, is responsible for promoting, defending and monitoring respect for the rights and guarantees set out in the Constitution and in international human rights instruments, including the Convention, in addition to the legitimate, collective and broad interests of citizens within the national territory and of citizens when they are subject to the jurisdiction of the Republic abroad.

142. In April 2014, the National Council for Human Rights was established with a mandate to coordinate, support and promote the Venezuelan State's public policies in the area of human rights. The National Council's functions include: (i) contributing to the

design, planning and formulation of the Government's public policies and strategies in the area of human rights, and (ii) supporting the competent public bodies in their role of monitoring the national human rights situation in Venezuela.

143. The National Council for Human Rights is chaired by the Executive Vice-President and is composed of representatives of the various State institutions competent in the area of human rights, as well as three non-governmental human rights organizations. The National Council prepared the National Human Rights Plan 2016–2019 and is currently working on a new plan for the period 2020–2025.

144. The Ministry of People's Power for Foreign Affairs and the National Institute of Statistics, with the support of the United Nations Development Programme, put in place the national system for monitoring compliance with the international human rights instruments ratified by the Bolivarian Republic of Venezuela (DDHHInfo), which systematizes the qualitative and quantitative indicators necessary for monitoring respect for human rights, including the rights of persons with disabilities.

145. Pursuant to the Memorandum of Understanding signed in September 2019 with the Office of the United Nations High Commissioner for Human Rights, there are plans to create a national mechanism for follow-up to international human rights recommendations, including those related to the rights of persons with disabilities. This project includes appointing focal points in each of the institutions responsible for giving effect to recommendations and international human rights treaties.

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